

**Exhibit A**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION  
KENNETH REAVES, )  
Plaintiff, )  
vs. ) CIVIL ACTION FILE  
 ) NO. 1:11-CV-4138-RLV  
GMAC MORTGAGE, LLC and )  
U.S. BANK NATIONAL )  
ASSOCIATION, )  
Defendant. )

DEPOSITION OF CARITA BOWERS  
APRIL 27, 2012  
11:00 A.M.

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1 MR. RACHEL: She is going to read and sign  
2 at the end of the deposition.  
3 What about objections?  
4 MS. GLENN: That's what I thought you were  
5 asking me earlier. Let's not waive objections.  
6 Let's put them on the record.

7 MR. RACHEL: We are going to put  
8 objections on the record. At this time she  
9 will be sworn in.

10 CARITA BOWERS,  
11 having been first duly sworn, was deposed and testified as  
12 follows:

13 EXAMINATION

14 BY MR. RACHEL:

15 Q Okay. Could you please state your name  
16 for the record?

17 A Carita Bowers.

18 Q And could you state your address for the  
19 record?

20 A 527 Lantern Wood Drive, Scottdale, Georgia  
21 30079.

22 Q Okay. And I would just like to -- when I  
23 start a deposition, I like to do a quick  
24 housekeeping.

25 When we do the deposition, of course, I'm

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1 APPEARANCES OF COUNSEL  
2 On behalf of the Plaintiff:  
3 David P. Rachel, Esq.  
4 On behalf of Defendants:  
5 Teah N. Glenn, Esq.  
6 Also present:  
7 Joe Edlin (via telephone)  
Kenneth Reaves

8 \* \* \*

9 MR. RACHEL: This is deposition of Carita  
10 Bowers. Is that the correct pronunciation?

11 THE WITNESS: Yes.

12 MR. RACHEL: In the case of Kenneth Reaves  
versus GMAC Mortgage and Bank National -- US  
13 Bank National Association.

14 This deposition will be taken pursuant to  
the Civil Practice Act and will be used for all  
15 applicable purposes.

16 Are we going to waive signature?

17 MS. GLENN: Let's do it.

18 MR. RACHEL: The parties have consented  
she is going to sign the document at the end of  
19 the deposition.

20 MS. GLENN: No, I'm sorry. She's going to  
read and sign.

1 going to ask the questions. Once I finish with the  
2 questions, then you will then answer the questions.

3 During the time I ask the questions, if  
4 you would please refrain from answering any  
5 questions, and when you're answering the questions,  
6 then I will do the same and refrain. That way we  
7 both are not talking at the same time.

8 A Yes.

9 Q And Ms. Bowers, could you tell me where do  
10 you work?

11 A GMAC Mortgage.

12 Q And how long have you been there?

13 A Five years.

14 Q And what is your job title there?

15 A Community Relations Specialist.

16 Q And what exactly do you do as a Community  
17 Relations Specialist?

18 A I meet with customers one-on-one to  
discuss loss mitigation options. I work with  
19 nonprofit organizations to tell them about the GMAC  
20 brand, to do some community revitalization and  
21 neighborhood stabilization.

22 Q Now, where is your office located?

23 A At 2 Ravinia Drive, Suite 500, Atlanta,  
24 Georgia 30356.

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1 Q Is that the office you work out of at all  
 2 times?  
 3 A Yes.  
 4 Q Do you travel to any other states with  
 5 GMAC?  
 6 A Yes.  
 7 Q Approximately how many states do you  
 8 travel to?  
 9 A All of them except maybe Hawaii.  
 10 Q Okay. And you have the same  
 11 responsibilities when you travel to those states?  
 12 A Yes.  
 13 Q And when you travel to those states, how  
 14 do you keep in contact with your office?  
 15 A Can you tell me what you mean by "my  
 16 office"?"  
 17 Q Yes. Do you use a cell phone? Do you use  
 18 E-mail? How do you communicate with the office?  
 19 A Are you referring to my main office,  
 20 GMAC's main office?  
 21 Q Your main office on Ravinia Drive or any  
 22 of your customers that need to reach you, how would  
 23 they reach you?  
 24 A Telephone.  
 25 Q Is that a cell phone or -- I'm assuming a

1 Q Now, do you travel a lot?  
 2 A What do you mean "a lot"?"  
 3 Q Approximately how many times do you travel  
 4 from your office, whether it be a flight or whether  
 5 it be a drive or a train or bus or any other kind of  
 6 medium, to any other office other than the one on  
 7 Ravinia Drive per month? How often would you say  
 8 that happens?  
 9 A It differs. I cannot --  
 10 Q On average?  
 11 A Several times a year.  
 12 Q Would you say approximately maybe two or  
 13 three times a month?  
 14 A At times.  
 15 Q At times. What is the most amount of  
 16 times you've traveled in one month approximately?  
 17 A Five times.  
 18 Q And what's the least amount you've  
 19 traveled?  
 20 A None.  
 21 Q Does the traveling keep you away from your  
 22 family?  
 23 A At times.  
 24 Q How do you feel about that?  
 25 MS. GLENN: I'd object just as to

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1 cell phone?  
 2 A When I am traveling it is a cell phone.  
 3 Q And who actually supplies that? Is that a  
 4 cell phone that GMAC supplies?  
 5 A Yes.  
 6 Q Does GMAC have all the phone records of  
 7 that phone?  
 8 A Yes.  
 9 Q Are you privy to any of those phone  
 10 records, such as call logs?  
 11 A What do you mean by "call logs"?"  
 12 Q With the cell phone, when you call  
 13 someone, when the bill comes out, it shows you whom  
 14 you called, the date you called, the time you called  
 15 and the amount of time that you were on that phone  
 16 call.  
 17 Do you have privy to any of that  
 18 information?  
 19 A No.  
 20 Q So GMAC has all those records, okay.  
 21 MS. GLENN: Can we get an answer to that  
 22 on record?  
 23 MR. RACHEL: Sure.  
 24 THE WITNESS: I don't know.  
 25 BY MR. RACHEL:

1 relevance.  
 2 But you may answer.  
 3 THE WITNESS: I don't feel bad about it.  
 4 BY MR. RACHEL:  
 5 Q If you could not travel, would you take  
 6 that?  
 7 A No.  
 8 Q Now, have you ever given a deposition  
 9 before?  
 10 A Yes.  
 11 Q Approximately how many times?  
 12 A Three or four.  
 13 Q Now, at those depositions, were you made  
 14 aware of the penalties of perjury?  
 15 A Yes.  
 16 Q What were those depositions concerning?  
 17 A Insurance and a notary.  
 18 Q Have you ever had to give a deposition for  
 19 GMAC before?  
 20 A No.  
 21 Q Have you ever had to be a witness for GMAC  
 22 before?  
 23 A Yes.  
 24 Q And what was the reason you were a  
 25 witness? What was the type of case?

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1 A It was a mediation.  
 2 Q Mediation for what type of case? Was it  
 3 wrongful foreclosure? A accident?  
 4 A I don't remember.  
 5 Q Approximately when was that?  
 6 A I don't remember.  
 7 Q Was it within the last -- how long have  
 8 you been working at GMAC, five years?  
 9 A Five years.  
 10 Q Was it within the last five years?  
 11 A Yes.  
 12 Q Have you ever spoken to Mr. Reaves before?  
 13 A Yes.  
 14 Q Approximately how many conversations have  
 15 you had with him?  
 16 A I don't remember.  
 17 Q Okay. Were those all phone conversations  
 18 or have you communicated with him via E-mail or  
 19 facsimile?  
 20 A Phone conversations.  
 21 Q So you have never communicated with him  
 22 via E-mail or facsimile?  
 23 A I don't remember.  
 24 Q Are you aware that in Georgia a person can  
 25 legally tape a phone conversation without the other

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1 Q Is that a protocol that GMAC -- under  
 2 GMAC's employee manual -- you are an employee of  
 3 GMAC; am I correct?  
 4 A Yes.  
 5 Q Did you receive an employee manual when  
 6 you were hired?  
 7 A Yes.  
 8 Q Did you review that employee manual?  
 9 A Yes.  
 10 Q Did the employee manual stipulate that you  
 11 should ask clients if they were taping your  
 12 conversations?  
 13 A No.  
 14 Q So this is something that you do on your  
 15 own?  
 16 A Yes.  
 17 Q Now, do you ask someone if they're taping  
 18 your conversations because of what you're going to  
 19 say?  
 20 A No.  
 21 Q How many times did you ask Mr. Reaves if  
 22 he was taping your conversation?  
 23 A I don't know.  
 24 Q Did you ever tell Mr. Reaves that you did  
 25 not want to lose your job?

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1 party knowing?  
 2 MS. GLENN: Object just as to the  
 3 legality. You're asking her for a legal  
 4 conclusion or to propound on the law.  
 5 But you may answer to the extent you know.  
 6 THE WITNESS: No.  
 7 BY MR. RACHEL:  
 8 Q Did you ever ask Mr. Reaves if he was  
 9 taping any of your phone conversations?  
 10 A Yes.  
 11 Q Why did you ask him that?  
 12 A Because I wanted to know if he was taping  
 13 them.  
 14 Q Have you ever asked any other client of  
 15 GMAC or mortgage holder if they were taping a  
 16 conversation?  
 17 A Yes.  
 18 Q And approximately how many times have you  
 19 asked that question or how many people have you  
 20 asked that question to?  
 21 A I don't know.  
 22 Q Is it standard course of business for you  
 23 to ask someone if they're taping your conversations?  
 24 A What do you mean "standard course of  
 25 business"?

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1 A I don't remember.  
 2 Q Do you think it's possible, given the  
 3 circumstances of his foreclosure, that you could  
 4 have asked him that?  
 5 MS. GLENN: Objection to the extent you're  
 6 asking the witness to speculate.  
 7 But you may answer, if you know.  
 8 THE WITNESS: I don't really -- I don't  
 9 understand the question.  
 10 BY MR. RACHEL:  
 11 Q Okay. Given the circumstances of why  
 12 you're here today -- are you aware of why you're  
 13 here today?  
 14 A Yes.  
 15 Q Why would you say you're here today?  
 16 A Mr. Reaves' property went to foreclosure  
 17 sale and he was told that the sale was going to be  
 18 postponed.  
 19 Q Okay. Who told him the sale was going to  
 20 be postponed?  
 21 A I did.  
 22 Q Okay. Now why did you tell him the sale  
 23 was going to be postponed?  
 24 A The notes in our system indicated that the  
 25 sale was going to be postponed.

1 Q You are a supervisor, you said; is that  
2 correct?  
3 A No.  
4 Q What is your position again?  
5 A Community Relations Specialist.  
6 Q Is that above a supervisor or what would  
7 that be?  
8 A No.  
9 Q Are there supervisors above you?  
10 A Yes.  
11 Q Who was your direct supervisor at the time  
12 Mr. Reaves' property went to foreclosure?  
13 A Catherine Coto.  
14 Q Did Ms. Coto ever review Mr. Reaves' file?  
15 A I don't know.  
16 Q Would it have been proper procedure after  
17 the foreclosure, if there may have been an issue,  
18 for her to review the file?  
19 A I don't know.  
20 Q Did you review the file after it  
21 foreclosed?  
22 A Yes.  
23 Q Did you ask anyone else to review the  
24 file?  
25 A Yes.

1 Q But -- let me make sure I'm understanding.  
2 You have an escalation process with GMAC, and I'm  
3 assuming is this a written process?  
4 A Yes.  
5 Q So you have written instructions from  
6 GMAC?  
7 A Yes.  
8 Q Would you be able to produce those written  
9 instructions?  
10 A Yes.  
11 Q Now, in those instructions essentially,  
12 then, it says for you, if I'm understanding you, to  
13 send any files that may have had a problem with the  
14 foreclosure and may have been foreclosed improperly  
15 or wrongfully foreclosed, to an E-mail address and  
16 that someone will review it?  
17 A Not necessarily. The E-mail box is for  
18 any file that I want to have looked at.  
19 Q Okay. And I may have asked this, but let  
20 me make sure. Approximately how many files have you  
21 ever asked to be reviewed?  
22 A I don't know.  
23 Q Would you say it was more than ten?  
24 A Yes.  
25 Q So it goes to this E-mail box,

1 Q Who did you ask to review the file?  
2 A I escalated the file through our  
3 escalation process.  
4 Q And who ultimately was supposed to review  
5 that file?  
6 A Once I escalated, I don't know who it  
7 directly goes to.  
8 Q Okay. So let me back up then. What is  
9 the escalation process at GMAC?  
10 A The escalation process for me is to send a  
11 synopsis to an E-mail box that is handled by an  
12 escalations person.  
13 It's then sent off to various  
14 departments who can make decisions on files.  
15 Q So essentially it is possible that, given  
16 the escalation process -- now you said it goes to an  
17 E-mail box?  
18 A Yes.  
19 Q What is that E-mail box address?  
20 A Hopeescalations.  
21 Q @gmac.com?  
22 A I don't know that for sure.  
23 Q Now, approximately how many files have you  
24 had to escalate in your five years with GMAC?  
25 A I don't know.

1 hopeescalations -- we do know that's part of it --  
2 and then someone reviews it.  
3 When they review it, do they communicate  
4 with you and ask you any questions concerning why  
5 you had it escalated?  
6 A Yes.  
7 Q Okay. who actually communicated with you  
8 on this file, Mr. Reaves' file?  
9 A You're asking me who exactly communicated  
10 with me on this file?  
11 Q Yes.  
12 A Catherine Coto and Mark Folweiler.  
13 Q I guess my next question -- I'm confused  
14 because I asked previously did Catherine Coto review  
15 the file and you told me you're not sure.  
16 But now you're telling me that Catherine  
17 Coto actually spoke to you about the file. So how  
18 could she -- my question is: How could she speak to  
19 you about the file if she didn't review the file?  
20 A When you asked that question, I was  
21 thinking did you mean was she the person who  
22 reviewed the file when I sent it to the  
23 hopeescalations E-mail box.  
24 I do not know if she reviewed it at  
25 that time. Ultimately she did respond to me about

1 the file.

2 Q Okay. And you said it was Catherine Coto  
3 and what was the other gentlemen's name?

4 A Mark Folweiler.

5 Q F-U-L-W-I?

6 A F-O-L-W-E-I-L-E-R.

7 Q What did Catherine Coto tell you about the  
8 file? Actually, let me back up. What did you tell  
9 Catherine about the file, why you escalated? Why  
10 did you tell her or Mark, either one, why you  
11 escalated the file?

12 MS. GLENN: Objection as to foundation.

13 BY MR. RACHEL:

14 Q I'll rephrase. When you spoke to  
15 Catherine or Mark, when they originally contacted  
16 you, what did you tell them about escalating the  
17 file? What was your reason?

18 A I had told Mr. Reaves that the foreclosure  
19 sale was going to be postponed.

20 Q Okay.

21 A The property went to foreclosure sale.

22 Q Okay.

23 A So my question was: Are we going to  
24 rescind the foreclosure sale and to review him for a  
25 modification.

1 conclusion.

2 THE WITNESS: I don't know.

3 BY MR. RACHEL:

4 Q Do you have a mortgage on your home?

5 A No.

6 Q If you had a mortgage on your home and the  
7 same scenario happened, do you believe that it would  
8 be grounds for a wrongful foreclosure?

9 MS. GLENN: Objection as to relevance.

10 Improper layperson, calling for a legal  
11 conclusion.

12 THE WITNESS: I could not speculate.

13 BY MR. RACHEL:

14 Q What does GMAC's system say now as to why  
15 Mr. Reaves' property was foreclosed upon?

16 MS. GLENN: Objection as to foundation.

17 THE WITNESS: The system said that we did  
18 not have sufficient time to review him for a  
19 modification.

20 BY MR. RACHEL:

21 Q Okay. In your opinion, did you have  
22 sufficient time?

23 MS. GLENN: Objection as to improper lay  
24 opinion.

25 THE WITNESS: Yes.

1 Q Now, do you believe that this file was  
2 wrongfully foreclosed, Mr. Reaves was wrongfully  
3 foreclosed on, based on the actions and the  
4 happenings prior to the foreclosure?

5 MS. GLENN: Objection as to relevance,  
6 speculation, asking for a legal conclusion.

7 BY MR. RACHEL:

8 Q In your role as a Community Relations  
9 Specialist, would you say that this file should not  
10 have been foreclosed on?

11 MS. GLENN: Objection as to relevance.  
12 Speculation. Calling for a legal conclusion.

13 You may answer.

14 THE WITNESS: Yes.

15 BY MR. RACHEL:

16 Q Did you, at any time, tell Mr. Reaves that  
17 you believe he was wrongfully foreclosed upon?

18 A I don't remember.

19 Q Did you, at any time, tell Mr. Reaves that  
20 he should obtain an attorney?

21 A No.

22 Q Do you believe that Mr. Reaves, based on  
23 the situation, should have obtained an attorney?

24 MS. GLENN: Objection as to relevance.

25 Improper layperson, calling for a legal

1 BY MR. RACHEL:

2 Q When you sent the file up to escalation,  
3 what did Catherine Coto tell you concerning a  
4 rescinding of the foreclosure?

5 A That we would not rescind the foreclosure  
6 sale.

7 Q And what was her reasoning?

8 A She did not give me a reason.

9 Q You've escalated files before, you said.

10 Is it normal GMAC procedure or is it normal for you  
11 not to get a reason as to why it wasn't going to be  
12 rescinded?

13 A Sometimes.

14 Q Has Catherine Coto ever not given you a  
15 reason as to why something was not rescinded?

16 A Yes.

17 Q Now, according to the written  
18 documentation that you have concerning escalation,  
19 that we're going to ask to be produced, does it  
20 state to you what is supposed to happen once it's  
21 escalated?

22 Because apparently you're -- once it's  
23 escalated, you're still going to be the point of  
24 contact with whomever the client is, in this case  
25 Mr. Reaves; am I correct?

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1 A Yes.  
 2 Q Okay. So does the writing state what you  
 3 are supposed to do in a case where Catherine Coto or  
 4 whomever is reviewing it will not give you a reason  
 5 what you are supposed to do with the client?  
 6 MS. GLENN: Objection. The documents  
 7 aren't in front of her, but to the extent they  
 8 were they would speak for themselves.  
 9 But you can answer to the extent you know  
 10 or recall.  
 11 THE WITNESS: I don't quite understand the  
 12 question.  
 13 BY MR. RACHEL:  
 14 Q The question being if you are still  
 15 communicating, the person that has to communicate  
 16 with Mr. Reaves, and you have explained to  
 17 Mr. Reaves that the file has been escalated -- did  
 18 you explain to Mr. Reaves the file had been  
 19 escalated? Let me ask that first.  
 20 A Yes.  
 21 Q So you are going to be still the point of  
 22 contact for Mr. Reaves. Did Mr. Reaves, at any  
 23 time, have any contact information for Catherine  
 24 Coto or Mark Folweiler?  
 25 A I don't think so.

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1 Q Is it normal course, pursuant to the  
 2 escalation, for you to give out any information  
 3 concerning the person who is escalating, who is  
 4 working on the file, to the mortgage holder?  
 5 A No.  
 6 Q So, then you would be the point of contact  
 7 for Mr. Reaves at all times?  
 8 A Yes.  
 9 Q In the previous situations where Ms. Coto  
 10 would not give you any kind of reason, what did you  
 11 tell the homeowner?  
 12 A I would give the homeowner the information  
 13 that the system showed regarding the denial.  
 14 Q Okay. And in this situation what does the  
 15 system say about a denial?  
 16 A That we had insufficient time to review  
 17 his documentation for a modification review.  
 18 Q Okay. What did Mark Folweiler tell you  
 19 about Mr. Reaves' file?  
 20 A That the sale would not be rescinded.  
 21 Q And what was his reasoning?  
 22 MS. GLENN: Objection as to foundation.  
 23 THE WITNESS: That we did not have enough  
 24 time to review the file.  
 25 BY MR. RACHEL:

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1 Q Did, at any time, Mark Folweiler and  
 2 Catherine Coto discuss the file together?  
 3 A I don't know.  
 4 Q Did, at any time, Mark Folweiler and  
 5 Catherine Coto discuss the file together with you?  
 6 A Only to say that we would not rescind the  
 7 file.  
 8 Q And what is Catherine Coto's position?  
 9 A Eastern District Supervisor for the hope  
 10 team.  
 11 Q And what about Mark Folweiler?  
 12 A I don't know his exact title, but he is  
 13 the manager above Catherine.  
 14 Q So when you had any of the other files  
 15 escalated, was Catherine usually the person that  
 16 worked on those files?  
 17 A What do you mean by "worked on" the files?  
 18 Q When it was escalated, was she usually the  
 19 person that reviewed it and communicated with you  
 20 about it?  
 21 A No.  
 22 Q Who was that person?  
 23 A The person who manages the hopeescalations  
 24 inbox.  
 25 Q And who is that?

Page 24

1 A At this time it is Rashan Austin.  
 2 Q Who was it at the time Mr. Reaves was  
 3 foreclosed upon?  
 4 A I believe it was Rashan, but I am not  
 5 100 percent sure about that.  
 6 Q Okay. So in the other situations where  
 7 you have escalated it, you have typically spoke to  
 8 Rashan?  
 9 A Sometimes.  
 10 Q In any other escalations, have you ever  
 11 spoke to Catherine Coto?  
 12 A Yes.  
 13 Q In any other escalations have you ever  
 14 spoke to Mark Folweiler?  
 15 A Yes.  
 16 Q Have you ever spoken to anyone else when a  
 17 file was escalated?  
 18 A Not normally, no, but I cannot say never.  
 19 Q Okay. Is Mark Folweiler the highest  
 20 positioned person at GMAC that you have ever spoke  
 21 to when a file had been escalated?  
 22 A I don't know.  
 23 Q Is it common practice for Mark Folweiler  
 24 to get involved when you escalate a file?  
 25 A Sometimes.

1 Q Have any of those files ever been  
2 rescinded?  
3 A I have seen files be rescinded.  
4 Q Has any of the files that you've escalated  
5 ever been rescinded?  
6 MS. GLENN: To be clear, by "files" do you  
7 mean foreclosure sales?  
8 MR. RACHEL: Foreclosure sales.  
9 BY MR. RACHEL:  
10 Q Have they ever been rescinded?  
11 A I'm sorry. Can you ask the question  
12 again?  
13 Q Sure. In any of the files that you've  
14 ever escalated in your five years at GMAC, have any  
15 of those files, if they were foreclosed upon, ever  
16 been rescinded?  
17 A Yes, I'm pretty sure some of them have.  
18 Q You're pretty sure some have. Would you  
19 estimate approximately how many? 15, 20?  
20 A I don't know.  
21 Q Would you say it was at least ten?  
22 A No, I do not think it was ten.  
23 Q Would you say it was at least five?  
24 A I cannot say.  
25 Q Would you believe it was less than five?

1 Q Do you believe those were called  
2 miscellaneous fees -- miscellaneous corporate  
3 advances?  
4 A Corporate advances.  
5 Q How many reinstatement documents or  
6 reinstatement -- I guess you can say reinstatement  
7 documents have you seen pertaining to the homeowner  
8 having an amount broken down for them to reinstate?  
9 How many would you say you've seen in your  
10 five years at GMAC?  
11 A I could not count.  
12 Q Okay. What does miscellaneous corporate  
13 advances mean?  
14 A Corporate advances could mean charges for  
15 VPO, foreclosure expenses, fees that were paid out  
16 for certain things.  
17 Q Such as?  
18 A Inspections.  
19 Q What type of inspections?  
20 A Property inspections. It may include late  
21 charges. That's the only thing I can think of right  
now.  
22 Q Okay. Now is it standard protocol for  
23 GMAC to have a inspection during a foreclosure  
24 process?  
25

1 A I just -- I cannot answer that question.  
2 Q Now, let's talk about a little bit why  
3 Mr. Reaves originally contacted you. Do you  
4 remember Mr. Reaves originally contacting you?  
5 A No, I do not have -- remember him  
6 originally contacting me.  
7 Q Did you ever speak to Mr. Reaves about a  
8 reinstatement of his loan?  
9 A Yes.  
10 Q Did Mr. Reaves have a question concerning  
11 that reinstatement?  
12 MS. GLENN: Can you clarify what you mean  
13 by "reinstatement"?  
14 MR. RACHEL: Reinstatement, when he was in  
15 foreclosure, he received a reinstatement letter  
16 from GMAC saying he could pay X amount of  
17 dollars and pay his loan and come out of  
18 foreclosure.  
19 BY MR. RACHEL:  
20 Q So did he have any questions concerning  
21 that reinstatement amount?  
22 A Yes.  
23 Q What was his question?  
24 A To the best of my knowledge, his question  
25 surrounded some fees.

1 A Yes.  
2 Q What are they inspecting?  
3 A To make sure that the property is  
4 occupied.  
5 Q Okay. So they basically go out and check  
6 and see if the property is occupied?  
7 A Yes.  
8 Q Okay. Is it proper protocol for them to  
9 order a VPO?  
10 A Not always.  
11 Q Okay. You said -- now in Mr. Reaves'  
12 case, his reinstatement amount was about -- the  
13 total reinstatement amount was 7,895.33.  
14 Of that, the corporate advance fee was  
15 actually approximately half of the reinstatement  
16 fee, which means, according to what you have said,  
17 that a VPO, or actually VPO may not have even been  
18 ordered, a inspection of someone driving out to  
19 verify someone was there and assuming late charges  
20 would have amounted to essentially the same amount  
21 that was owed on a mortgage.  
22 Is that theoretically possible?  
23 MS. GLENN: Objection. Just to be clear,  
24 Ms. Bowers is a fact witness. She's not a  
25 30(b)(6) witness for GMAC, sir.

1 Her testimony as to policy would be  
2 guessing or speculating. Her testimony also  
3 cannot bind the company.

4 To the extent that you know or understand  
5 the question, you may answer.

6 But if we could -- to the extent we could  
7 keep it within what would be her personal  
8 knowledge of her job description.

9 MR. RACHEL: Okay.

10 MS. GLENN: That would be preferable.

11 THE WITNESS: I am not able to say what  
12 all corporate advances could be. It is not  
13 my -- that's not my job role.

14 BY MR. RACHEL:

15 Q Okay. Have you ever seen -- you've seen  
16 many of them, where the corporate advance is  
17 basically the same amount, being 50 percent or more  
18 than the actual amount that's owed in arrearage,  
19 that's actually owed to reinstate?

20 A Yes.

21 Q Okay. Did Mr. Reaves question and ask  
22 what those fees were?

23 A Yes.

24 Q And were you able to find out a breakdown  
25 of those fees for him?

1 A I believe I reviewed the reinstatement  
2 quote itself and we discussed that, and I think I  
3 did look at some of the fees.

4 Q Were you able to get a breakdown from GMAC  
5 of the corporate advances?

6 A I don't remember.

7 Q Okay. Did you explain to Mr. Reaves that  
8 he could apply for a modification if he did not want  
9 to reinstate?

10 A Yes, I believe so.

11 Q And at that time you explained to him  
12 about a modification, did he attempt to apply for a  
13 modification?

14 A Yes, he did.

15 Q Okay. Now, why did you tell him to apply  
16 for a modification?

17 A A modification is one of the tools that a  
18 customer can use to avoid foreclosure.

19 Q Did you explain the required documents to  
20 Mr. Reaves that would be needed for a modification?

21 A I believe I did.

22 Q Have you ever spoke to any other person  
23 concerning modifications, obtaining a modification?

24 A Yes, I've spoken to customers.

25 Q In your speaking with other customers,

1 would you say that you normally explain all of the  
2 items that would be needed for the modification?

3 A Yes.

4 Q So would you say, in this case, it is  
5 highly likely that you did explain all the documents  
6 required to Mr. Reaves for the modification?

7 MS. GLENN: Objection. Speculation.

8 THE WITNESS: It is likely.

9 BY MR. RACHEL:

10 Q At the time he attempted to do the  
11 modification, was his home in foreclosure?

12 A Yes, I believe it was.

13 Q Did you explain this to Mr. Reaves?

14 A Yes.

15 Q Did you provide a timeline for Mr. Reaves  
16 to provide you with the paperwork for the  
17 modification?

18 A I do not remember.

19 Q Did Mr. Reaves supply all the paperwork in  
20 a timely manner to GMAC?

21 A To the best of my knowledge, he did.

22 Q Now, let me go back. You stated earlier  
23 that you believed that the foreclosure should not  
24 have been done because he provided all the documents  
25 in a timely manner.

1 So I just want to refresh your memory. So  
2 let me reask the question. Did Mr. Reaves, to your  
3 knowledge, provide all of the documents that you  
4 requested of him for the modification in a timely  
5 manner?

6 MS. GLENN: Objection.

7 Mischaracterization of prior testimony.

8 Relevance. Improper lay opinion.

9 You may answer.

10 Can we go off the record really quick.

11 (Whereupon, a brief recess was taken.)

12 BY MR. RACHEL:

13 Q Now, Mr. Reaves' reinstatement, was he  
14 adamant about trying to reinstate this property?

15 A No.

16 Q Did he want to apply for a modification?

17 A I cannot answer that.

18 Q After you suggested the modification to  
19 him as a -- other than reinstatement, because the  
20 figure -- the miscellaneous corporate advance  
21 couldn't be explained to him and he didn't want to  
22 pay what couldn't be explained, was he apprehensive  
23 about a modification at that time?

24 MS. GLENN: Objection to the extent it  
25 calls for her to speculate as to Mr. Reaves'

1       sentiments or feelings.

2       But you can answer to the extent that you  
3       can.

4       THE WITNESS: I cannot answer that.

5       BY MR. RACHEL:

6       Q   Did Mr. Reaves, at any time, tell you that  
7       he really wasn't interested in a modification?

8       A   I do not remember.

9       Q   Did Mr. Reaves call you approximately  
10      eight times concerning the reinstatement amount?

11      A   I do not remember.

12      Q   If we were able to supply you with taped  
13      conversations concerning reinstatement on eight  
14      different occasions, would that be able to assist  
15      you with your memory?

16      A   Yes.

17      Q   Now back to the modification, you said he  
18      did meet the timeline as far as getting all the  
19      documents to GMAC?

20      A   Yes, I thought he did.

21      Q   Who was the person working on Mr. Reaves'  
22      file?

23      A   I do not know.

24      Q   Was it assigned to one work-out  
25      specialist?

1       A   I do believe the files are assigned to one  
2       work-out specialist.

3       Q   Have you ever spoken to that work-out  
4       specialist?

5       A   No.

6       Q   So the only people you have spoken to --  
7       let me ask it this way: Who -- give me the names of  
8       the people you have spoken to concerning Mr. Reaves'  
9       file that work at GMAC. You've given me Catherine  
10      Coto and Mark Folweiler.

11      Is there anyone else?

12      A   Those are the only two that I actually  
13      spoke to.

14      Q   Okay. Now, why did you tell Mr. Reaves  
15      that the foreclosure should be rescinded or would be  
16      rescinded?

17      MS. GLENN: Objection.

18      Mischaracterization of testimony.

19      THE WITNESS: I do not remember telling  
20      Mr. Reaves that the foreclosure sale would be  
21      rescinded.

22      BY MR. RACHEL:

23      Q   Okay. I believe you testified to that  
24      earlier. However, do you have the power to have a  
25      foreclosure rescinded?

1       A   No.

2       Q   Now, I'm going to remind you that you are  
3       under oath. Did you any time tell Mr. Reaves that  
4       you had the power to have the foreclosure rescinded  
5       or have the problem fixed?

6       A   No.

7       Q   Are you personally aware of any other  
8       foreclosures that has happened at GMAC being the  
9       same circumstances as Mr. Reaves?

10      MS. GLENN: Objection. Relevance.

11      But you may answer.

12      THE WITNESS: Not that I can recall off --  
13      right this second.

14      BY MR. RACHEL:

15      Q   The files that you had escalated, you said  
16      you had at least ten or more than ten. What reason  
17      would you escalate a file? If it had been  
18      foreclosed on, what reason would you escalate it?

19      A   If a file had been foreclosed on, why  
20      would I escalate it? On a foreclosed file, a  
21      customer concern, a customer complaint, receiving  
22      paperwork.

23      Q   What do you mean "receiving paperwork"?

24      A   Maybe legal documents for a property that  
25      had been foreclosed on.

1       Q   Legal documents. Elaborate on legal  
2       documents -- from whom?

3       A   From the customer.

4       Q   From the customer or a customer's  
5       attorney, I'm assuming?

6       A   Yes.

7       Q   Okay. So a customer's concern is a reason  
8       to escalate the file?

9       A   Sometimes.

10      Q   Could you give me a situation as when a  
11      customer concern would prompt you to escalate a  
12      file?

13      A   If a customer is adamant, he or she feels  
14      that the foreclosure was wrong or unjust, I may  
15      escalate it.

16      Q   Do you escalate it if you don't have a  
17      concern?

18      A   Yes.

19      Q   So if I review the paperwork from GMAC  
20      concerning escalations, would it tell me that you  
21      are to escalate a file based on a customer's concern  
22      even though you believe it has no basis for the  
23      escalation?

24      MS. GLENN: Objection. The document is  
25      not here. To the extent we're -- it speaks for

1 itself.  
 2 You may answer.  
 3 THE WITNESS: It depends.  
 4 BY MR. RACHEL:  
 5 Q Okay. Let's go back. What kind of  
 6 training did you get when you arrived at GMAC?  
 7 A I don't understand your question.  
 8 Q You've been at GMAC five years, correct?  
 9 A Yes.  
 10 Q Where did you work prior to GMAC?  
 11 A Portastev & Associates.  
 12 Q Which is?  
 13 A A law firm.  
 14 Q A law firm. Now, when you arrived at GMAC  
 15 as a Community Relations Specialist, what kind of  
 16 training has GMAC supplied you with?  
 17 A Some of the training I got was how to use  
 18 the system.  
 19 Q Okay.  
 20 A Documentation.  
 21 Q Okay. Documentation, what do you mean?  
 22 A For the financial work-up packet that  
 23 customers submit.  
 24 Q How to ascertain what is on the documents?  
 25 A Yes.

1 A Yes.  
 2 Q When was that training?  
 3 A The last training on that was several  
 4 months ago.  
 5 Q Okay. And who actually did the training?  
 6 A Rashan Austin.  
 7 Q And now, if I'm not mistaken, Rashan  
 8 Austin is the person that manages the hope inbox?  
 9 A Yes.  
 10 Q Okay. And is he a manager or is he just  
 11 someone who handles the inbox?  
 12 MS. GLENN: Objection. Compound.  
 13 BY MR. RACHEL:  
 14 Q What is his title?  
 15 A Her title is --  
 16 Q Her title. I'm sorry.  
 17 A I don't know what her title is. It's a  
 18 lady. She -- she manages the hope escalation inbox.  
 19 Q Okay. How long was this training?  
 20 A Are you referring to the training for the  
 21 escalation process?  
 22 Q Yes.  
 23 A An hour or so.  
 24 Q Okay. Did you have any paperwork to  
 25 review in this training?

1 Q Okay.  
 2 A Some other things regarding policy and  
 3 procedure.  
 4 Q Such as?  
 5 A Documentation, general things,  
 6 documentation, documentation, how to handle  
 7 documentation, customer documentation, hours of  
 8 operation, travel and entertainment policy, things  
 9 like that.  
 10 Q Okay. Now you mentioned a policy and  
 11 procedure. What kind of training have you had on  
 12 policy and procedure at GMAC?  
 13 A Standard training.  
 14 Q And when was this training?  
 15 A We have training periodically.  
 16 Q Okay. And when -- how periodically? When  
 17 was the last time you had training?  
 18 A I had some online training last week.  
 19 Q Which was in reference to?  
 20 A Fraud and awareness, documentation  
 21 awareness.  
 22 Q Okay. I want to specifically point your  
 23 attention to the policy and procedure for escalating  
 24 a file.  
 25 Have you had training on that?

1 A Yes.  
 2 Q Okay. Now with Mr. Austin training you,  
 3 did he tell you who to escalate or why you should  
 4 escalate or just how to escalate? What was this  
 5 training on?  
 6 A There are some examples of files that  
 7 should be escalated or that can be escalated.  
 8 Q So is the escalation process, is that a  
 9 process that is more or less kind of subjective?  
 10 A Sometimes.  
 11 Q Okay. So in this process, if some of it  
 12 is subjective, then if customers call in with  
 13 concern, that is a process also you're supposed to  
 14 escalate it?  
 15 What was your training on, if a customer  
 16 calls in with concern adamant that they were  
 17 wrongfully foreclosed on, yet you know they were not  
 18 wrongfully foreclosed on, looking at the paperwork,  
 19 what is the policy concerning that?  
 20 MS. GLENN: Objection. Compound.  
 21 THE WITNESS: I am allowed in situations  
 22 to make a judgment call as to whether or not  
 23 I'm going to escalate something.  
 24 BY MR. RACHEL:  
 25 Q So if you have a customer calling in with

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1 just a concern or a complaint and you know it should  
2 not be escalated, do you escalate that?  
3 A Sometimes.  
4 Q And why would you escalate that?  
5 A Sometimes a customer needs to get  
6 something in writing, and with the escalation  
7 process, typically a letter of explanation is sent  
8 out to the customer.  
9 Q Was a letter of escalation sent to  
10 Mr. Reaves?  
11 A I do not know.  
12 Q Okay. I'm to ascertain this process,  
13 then. You stated that a customer just needs to have  
14 something in writing. Who sends the writing out to  
15 the customer?  
16 A That would come from our main office.  
17 Q That comes from the main office. Is that  
18 a part of the escalation -- the main office is not a  
19 part of the escalation process, so why would they  
20 send out a letter?  
21 A The main office can be a part of the  
22 escalation process.  
23 Q Okay. I'm a little confused, then,  
24 because I'm beginning to wonder about this training  
25 that you had, because you're kind of -- seems like

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1 you're kind of making it up as we go or adding on to  
2 it as we go.  
3 Because originally you told me the  
4 escalation process was you escalating the file to  
5 the inbox of which is hopeescalating somewhere.  
6 We don't know whether it's at GMAC or  
7 Freddie Mac or Fannie Mae. We don't have any idea  
8 where it's going.  
9 But we do know a Rashan Austin supposedly  
10 is getting this. Now does Rashan Austin, to your  
11 knowledge, work at GMAC? Is Rashan Austin an  
12 employee of GMAC?  
13 MS. GLENN: Objection. Counsel is  
14 testifying. If we could keep it in  
15 question-and-answer format.  
16 MR. RACHEL: Okay. I will do that for  
17 you, Counselor.  
18 BY MR. RACHEL:  
19 Q To your knowledge, is Rashan Austin an  
20 employee of GMAC?  
21 A Yes, she is.  
22 Q How long has she been an employee?  
23 A Longer than I have.  
24 Q Okay. Then I'm confused. Earlier you  
25 stated --

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1 MS. GLENN: She would like a break.  
2 He's getting ready to ask a question.  
3 Once you finish that question may we take  
4 a break?  
5 MR. RACHEL: Sure.  
6 BY MR. RACHEL:  
7 Q Earlier you stated and testified, when I  
8 asked who manages the hope inbox, your exact words  
9 were "at this time Rashan Alan -- Austin". I'm  
10 sorry.  
11 Which would mean that at some previous  
12 time someone else would have been managing that.  
13 But you stated that you've been there five  
14 years and Rashan Austin has been there longer than  
15 you. So I'm concerned and would like to know why  
16 you would state at that time -- "at this time"?

17 MS. GLENN: Objection. Counsel is  
18 testifying. If counselor would like to testify  
19 we can get counselor sworn in.  
20 Other than that, I would ask if you keep  
21 it in question-answer format and no more  
22 compound questions.  
23 We are overloading Ms Bowers with  
24 information. We just want to give her one  
25 question at a time.

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1 MR. RACHEL: Okay. I will.  
2 BY MR. RACHEL:  
3 Q Why would you make the comment "at this  
4 time" when you were speaking about Rashan Austin if  
5 she had been there longer than you?  
6 A Rashan Austin used to do another job.  
7 Q Okay. Rashan Austin used to do another  
8 job, but in your five years she has been the manager  
9 of hope inbox?  
10 A No.  
11 MR. RACHEL: Okay. Now we're going to  
12 take a break in a minute, but Ms. Glenn, you  
13 just have to bear with me because I've gotten  
14 two different conflicting things here.  
15 MS. GLENN: You can finish your line of  
16 questioning.  
17 BY MR. RACHEL:  
18 Q You said Rashan Austin had been doing that  
19 job longer than you had been at GMAC. Now you're  
20 stating that Rashan Austin has not been doing that  
21 longer than you've been at GMAC.  
22 Which one is it?  
23 A I stated Rashan Austin has been at GMAC  
24 longer than I have and that she is now managing the  
25 hope escalation box, that she previously did another

1 job.

2 Q Since the time you were at GMAC, who has  
3 been the manager of the hope inbox? Give me all the  
4 people.

5 A I cannot say for sure, but Rashan Austin  
6 was one of them and I do believe that the district  
7 managers also managed it at one time or another.

8 Q Approximately how long has Rashan Austin  
9 been doing this?

10 A Maybe -- around six or seven months maybe.  
11 I do not think more than a year.

12 Q Okay. So about six months. So who was  
13 Rashan Austin's job prior to that?

14 A Community Relations Specialist.

15 Q Okay. So make sure I'm understanding.  
16 GMAC is promoting someone from Community Relations  
17 Specialist to manage the hope inbox. Do you know  
18 how to manage the hope inbox?

19 A I don't understand your question.

20 Q Would you, right now, know how to manage  
21 the hope inbox?

22 A I cannot answer that.

23 Q Okay. But you did state that Rashan  
24 Austin was the person who gave you the training on  
25 escalation processing?

1 MR. RACHEL: Not really.

2 MS. GLENN: Can she take a break or is  
3 this an endurance test?

4 MR. RACHEL: It's not an endurance test.  
5 I just want to make sure because the story is  
6 changing a little bit.

7 I just want to make sure that I get all  
8 the story in, if that makes sense.

9 BY MR. RACHEL:

10 Q So let me just see if I'm understanding  
11 you. Rashan Austin moved from community relations  
12 approximately six months to a year ago from  
13 community relations to manager of hope inbox.

14 In the previous six months she has trained  
15 you one time and prior to that you have had another  
16 training on the escalation process.

17 Am I correct?

18 A I'm not able to follow your questions.  
19 I'm sorry.

20 Q I'll do them one at a time. Rashan  
21 Austin, six months to a year ago, moved positions to  
22 manage the hope inbox; is that correct?

23 A I believe that's correct.

24 Q Within the last six months, has Rashan  
25 Austin provided training to you concerning

1 A Yes.

2 Q Has anyone else given you training on  
3 escalation processing?

4 A We do receive updates from time to time  
5 about the hope escalation process changing.

6 Q I don't want to know about updates. I'm  
7 saying training.

8 A Rashan has been the one to give the  
9 training.

10 Q And Rashan has trained you how many times?

11 A I don't know.

12 Q You stated earlier once about six months  
13 ago?

14 A I stated that was the last training that I  
15 received.

16 Q Last training you received. Did she train  
17 you prior to that six months?

18 A We did have previous training on the  
19 escalations and it was not her who trained at the  
20 time before. I do not remember who it was.

21 Q So you've had more than one training on  
22 the hope escalation process?

23 A Yes.

24 MS. GLENN: Dave, are you all done with  
25 this line of questioning?

1 escalation process?

2 A We have had a training.

3 Q Approximately how many people were at that  
4 training?

5 A Twenty or more people.

6 Q Approximately how many community relations  
7 specialists are there at GMAC, to your knowledge?  
8 Approximation.

9 A Eighteen.

10 Q Are they all based in your office?

11 A No.

12 Q Where is Rashan Austin based?

13 A In Memphis, Tennessee.

14 Q So when you had this training, did you go  
15 to Memphis, Tennessee?

16 A No.

17 Q Well, how did Rashan Austin train you?

18 A It was conference call training.

19 Q Conference call training. How does that  
20 work?

21 A MS. GLENN: David, she's going to take a  
22 break.

23 Q Go take a break.

24 A MR. RACHEL: Okay.

25 Q MS. GLENN: We can go off the record.

1 (Whereupon, a brief recess was taken.)  
2

3 BY MR. RACHEL:

4 Q I was just -- now I think we left off with  
5 Rashan Austin. You said she used to be a Community  
6 Relations Specialist.

7 And Rashan Austin was a community  
8 relations specialist prior to you becoming -- coming  
9 to GMAC, becoming an employee; are you aware?

10 A I believe she was.

11 Q Okay. Now one side question. You stated  
12 that Mr. Reaves did want to do a reinstatement and  
13 then couldn't get that miscellaneous corporate  
14 fee -- I think that's what it's called -- couldn't  
15 get that information on that.

16 Did you ever get that defined for him,  
17 what those fees were really supposed to be or what  
18 they were supposed to be, a breakdown?

19 A No, I did not.

20 Q Now, in obtaining that breakdown, whom all  
21 did you attempt to give you the breakdown? Did you  
22 speak to anyone else at GMAC to assist with that?

23 A I don't remember.

24 Q Would it have been, I guess, standard  
25 procedure if you have a customer that is adamant  
about reinstatement and getting an explanation of

1 A Mr. Reaves had the breakdown of what the  
2 charges were on the reinstatement letter.

3 Q Okay, now I'm really confused.

4 MS. GLENN: Okay. Think about that  
5 question for just a second.

6 Go off the record.

7 I'm just going to call in -- I just got an  
8 E-mail that he's available now.

9 (Whereupon, a discussion ensued off the record.)

10 BY MR. RACHEL:

11 Q Now, on Mr. Reaves' letter it just says  
12 miscellaneous corp advances. It has absolutely no  
13 breakdown.

14 And you stated earlier that you never was  
15 able to get him the breakdown. So why was that not  
16 escalated?

17 A I did discuss with Mr. Reaves what the  
18 miscellaneous charges were related to. If he was  
19 looking for another answer about those charges, I  
20 was not able give it to him.

21 Q Then why was that not escalated so he  
22 could get a written breakdown of what those fees  
23 were?

24 A I just did not escalate that.

25 Q Is that proper procedure not to escalate

1 the fee so they can reinstate, would it be proper  
2 procedure to escalate that?

3 A No, not necessarily.

4 Q So your escalation process, we know it is  
5 for people who have been foreclosed on. Apparently  
6 we are understanding now that it is not for people  
7 who want to reinstate.

8 So other than people who have been  
9 foreclosed on, what is the escalation process for?  
10 What else can be escalated, other than someone who  
11 has been foreclosed on?

12 A The escalation process is for customer  
13 concerns.

14 Q No, no. I'm saying what -- if it's for  
15 customer concerns, then I'm confused. Mr. Reaves  
16 was concerned about getting reinstatement but it  
17 wasn't escalated.

18 So why was that not escalated?

19 A Because I provided Mr. Reaves with an  
20 explanation as to what the charges appeared to be.

21 Q Right. But Mr. Reaves wanted a breakdown,  
22 and you just stated earlier that you never could  
23 give him the breakdown.

24 So why was it not escalated so he could  
25 obtain the breakdown?

1 that customer concern?

2 MS. GLENN: Again, she's not a 30(b)(6)  
3 witness, so to the extent that --

4 MR. RACHEL: But she is aware of -- she  
5 testified earlier that she has had training on  
6 the policies and procedures, and as a Community  
7 Relations Specialist she should know what  
8 policies and procedures, and she testified  
9 earlier that her job, she escalates customer  
10 concerns and complaints.

11 Mr. Reaves had a concern, definitely, and  
12 he was complaining about not wanting to pay  
13 what he didn't know -- if he didn't know what  
14 that was.

15 So if she is following the policy and  
16 procedures manual and she is in that position,  
17 she should well be able to answer that  
18 question.

19 MS. GLENN: Very convincing closing  
20 argument. I will adjust my objection to those  
21 documents speak for themselves.

22 But to the extent you are aware, you may  
23 answer.

24 THE WITNESS: I did not escalate that.  
25 That was not Mr. Reaves' main concern at the

1 time that he brought his issue to me.

2 BY MR. RACHEL:

3 Q What was his concern?

4 A Saving his home, applying for the  
5 modification, which is what he did.

6 Q But you stated earlier you told him about  
7 the modification -- because he didn't know anything  
8 about it, told him that he could apply for a  
9 modification.

10 So if his -- if he wanted to save his  
11 home, I'm confused as to why he would call you seven  
12 to eight times wanting to get a breakdown of this  
13 fee so he could reinstate but it wasn't escalated.

14 MS. GLENN: Where is the question?

15 BY MR. RACHEL:

16 Q The question is: Why was it not escalated  
17 if he called you seven to eight times about what  
18 this fee was so he can reinstate?

19 But you stated that he wanted a  
20 modification, but you testified earlier that you  
21 told me he didn't know what that was.

22 So I still want to know why was this --  
23 was this just a decision you made not to escalate?

24 A Mr. Reaves called me and we discussed a  
25 modification. Discussing what corporate advances

1 A I do not know.

2 Q If he is calling you requesting it, do you  
3 believe that they had provided it to him?

4 MS. GLENN: Objection as to speculation.  
5 Improper lay testimony.

6 THE WITNESS: I cannot answer that.

7 BY MR. RACHEL:

8 Q Okay. You testified earlier that you were  
9 unable to provide it to him. So if you were unable  
10 to provide it to him and he's called you after he  
11 called them, what is GMAC's policy on explaining  
12 what a miscellaneous corporate advance is?

13 A I cannot answer that.

14 Q Okay. So you are a Community Relations  
15 Specialist and your job is to do what? What is your  
16 actual job description?

17 A To meet with customers, to help them  
18 obtain a modification, to explain to them the  
19 modification procedures, documentation, to submit  
20 their file for a review by the loss mitigation  
21 department, to work with non profits for  
22 neighborhood stabilization and neighborhood  
23 revitalization.

24 Q Okay. So are you aware of anybody at GMAC  
25 that is supposed or is able to give a breakdown to a

1 are, I can look in the system to see what those  
2 charges were. We would have discussed that.

3 Other than that, there is -- there's  
4 not anything else I would have done. I was there to  
5 assist him with trying to get the modification.

6 But I certainly would have addressed  
7 the issue about the corporate advances. I did not  
8 escalate that.

9 Q Okay. So you're saying when -- I'm trying  
10 to understand the policies and procedures at GMAC  
11 then.

12 If a customer calls in and he wants to  
13 reinstate his loan, that's all he wants to do, and  
14 he wants to know what the corporate advances are,  
15 which are not itemized out on his statement that  
16 he's getting for the reinstatement amount, what is  
17 the procedure at GMAC to provide the customer with  
18 that information so they can reinstate?

19 A The customer could have contacted our  
20 customer care department to ask for that.

21 Q Did you ever tell him to contact the  
22 customer care department to ascertain that  
23 information?

24 A He had already done so.

25 Q Okay. Did they provide it to him?

1 customer, since that is not your position, a  
2 customer of miscellaneous corporate advances?

3 A I cannot answer that.

4 Q Okay. In your training with GMAC, you're  
5 stating that you have absolutely nothing to do with  
6 reinstatement.

7 The only thing you have to do with is  
8 modifications?

9 A I'm stating that my job with GMAC is to  
10 meet with customers and discuss the modification  
11 options, to explain to them about the documentation  
12 that is needed and to assist them, to work with non  
13 profits for neighborhood stabilization and  
14 neighborhood revitalization.

15 Q Do you assist customers with short sales?

16 A I will take a short sale financial packet  
17 and send it over to the short sale department.

18 Q Do you assist customers with deed in lieu  
19 of foreclosure?

20 A I will take a deed in lieu request and  
21 send it over to the deed in lieu department.

22 Q So you assist customers in making sure the  
23 paperwork is done and then you send it to the  
24 underwriter?

25 A Yes.

1 Q Okay. So, in the instance of  
2 reinstatement, if you get that, you don't have a  
3 policy for that at all in your job description?

4 A If a customer calls me inquiring about a  
5 reinstatement, I refer them to the foreclosure  
6 attorney's office to get a reinstatement letter.

7 The foreclosure attorney prepares the  
8 reinstatement letter and sends it to the customer.  
9 If the customer has a question, they can call me and  
10 I can try to provide an answer.

11 Q Okay. Now in this instance you stated  
12 that you only sent Mr. Reaves back to the customer  
13 service department.

14 Why did you not send Mr. Reaves to  
15 whomever the foreclosing attorney was?

16 A I did not send Mr. Reaves to the customer  
17 care department.

18 Q You testified earlier that you told him  
19 that he should get that figure from the customer  
20 care department. That was your testimony.

21 A I said that if a customer had a concern  
22 about miscellaneous fees, I would refer them to the  
23 customer care department for additional information.

24 Q Where did you refer Mr. Reaves to when he  
25 had the information?

1 whichever one it was.

2 So there is no policy at GMAC, in your  
3 capacity, to assist a customer with getting a  
4 breakdown of the fees; am I correct?

5 A I cannot answer that.

6 Q I'm confused as to why you can't answer  
7 that. If there is a policy, please enlighten me on  
8 what it is.

9 A I have explained what the policy is.

10 Mr. Reaves asked about the miscellaneous fees. We  
11 did discuss that.

12 I did look in the mortgage service  
13 system and explain to him, based upon what I could  
14 see, what the fees were.

15 I can only assume that he was not  
16 satisfied with that. We went into the modification  
17 portion of it. I did not escalate the issue about  
18 the corporate advances.

19 Q Have you ever escalated an issue about  
20 corporate advances?

21 A Not that I can remember at this time.

22 Q Okay. You stated originally that you have  
23 read the policy and procedures manual concerning  
24 your job description?

25 A Yes.

1 A I do not remember if I told Mr. Reaves to  
2 contact the customer care department.

3 Q What did you tell him to do?

4 A I discussed the fees with Mr. Reaves. I  
5 did give him some detail about what I saw in the  
6 mortgage service system about what some of the fees  
7 were.

8 Q Okay.

9 A I think he was not in agreement with them.

10 Q And that was basically the end of what you  
11 could do?

12 A For the miscellaneous fees.

13 Q Why did you not refer him to the  
14 attorney's office, if that is your policy, as you've  
15 stated earlier?

16 A I would refer a customer to the attorney's  
17 office to get a reinstatement letter. He had the  
18 reinstatement letter, so I would not refer him back  
19 to the attorney's office.

20 Q So if a customer calls and they're routed  
21 to you, there is no policy at GMAC to tell you if  
22 the foreclosing attorney's letter doesn't have any  
23 kind of breakdown.

24 You said that you did not refer him back  
25 over to customer relations or customer service,

1 Q From GMAC, you have read that through?

2 A Yes, I have read the manual.

3 Q Okay. In that manual does it state any  
4 procedure concerning reinstatement figures?

5 A I do not believe that it does.

6 Q So there is no policy for your position  
7 stating what to do if a customer wants to reinstate  
8 but does not know or wants to know a breakdown of  
9 what miscellaneous corporate advances are; am I  
10 correct?

11 A I don't understand your question.

12 Q My question is, according to your policies  
13 and procedures handbook, you just stated -- you just  
14 testified that according to your policies and  
15 procedures handbook it says nothing about  
16 reinstatement.

17 If it says nothing about reinstatement and  
18 that is -- in your job description, then you have no  
19 policy, as far as Community Relations Specialist,  
20 concerning what to do if a customer calls in with  
21 any reinstatement questions; am I correct?

22 A No.

23 Q I'm incorrect?

24 A According to the hope escalations manual,  
25 it does not have any information in it related to a

1 reinstatement.

2 As far as the policy and procedure  
3 for GMAC regarding a customer in corporate advances,  
4 I cannot speak to that right now.

5 Q I'm not asking you to speak for GMAC. I  
6 am saying in the -- both the manual for hope  
7 escalation and in your manual that was given to you  
8 when you received your job for a Community Relations  
9 Specialist, neither manual mentions the how to or  
10 anything about a reinstatement?

11 MS. GLENN: Can I go off the record.

12 MR. RACHEL: Sure.

13 (Whereupon, a discussion ensued off the record.)

14 BY MR. RACHEL:

15 Q Okay, with the foreclosing on a property  
16 when you have received the documents, has that ever  
17 happened before at GMAC, to your knowledge?

18 A Can you be more clear about your question?

19 Q Sure. In the instance of Mr. Reaves, all  
20 the documents were received in a timely manner. You  
21 have testified to that a couple times, okay.

22 Has it ever been any other case, to your  
23 knowledge, where you have received all the documents  
24 but for some reason it got foreclosed on  
25 inadvertently or otherwise?

1 A I want to be sure about your question.  
2 Are you asking me in the case where a customer has  
3 sent all of the documentation has a property still  
4 gone to foreclosure?

5 Q Yes. Such as the case of Mr. Reaves. All  
6 the stuff is there and should have been reviewed.  
7 It's there in a timely manner.

8 But for some reason the ball dropped or  
9 whatever happened and it was foreclosed on?

10 A Yes.

11 Q Approximately how many, to your knowledge?

12 A I could not answer that.

13 Q Do you believe that's a pattern at GMAC?

14 MS. GLENN: Objection. Improper lay  
15 testimony. Relevance. Speculation.

16 BY MR. RACHEL:

17 Q In your position as Community Relations  
18 Specialist, have you seen that to be a pattern at  
19 GMAC?

20 MS. GLENN: Objection. Vague. What do  
21 you mean by pattern?

22 BY MR. RACHEL:

23 Q A pattern, as in you'll get some this  
24 month, some next month, some the month after that,  
25 some the month after that with the same thing, all

1 the documents were there but they're foreclosed?

2 A No.

3 Q In your estimation, approximately -- your  
4 five years, how many has it been?

5 A I could not answer that.

6 Q More than ten?

7 A I could not answer that.

8 Q How many have you escalated?

9 A I could not answer that.

10 MS. GLENN: What are we speaking about  
11 here when you say all the documents are there?

12 Because you can have someone submit  
13 documents and they're not approved for a  
14 modification.

15 So I guess be more specific about exactly  
16 what you're asking Ms. Bowers.

17 MR. RACHEL: In the interest of my client,  
18 the documents were there. She testified that  
19 it was wrongfully foreclosed, think she said it  
20 shouldn't have been foreclosed on.

21 MS. GLENN: David, she didn't say that.

22 MR. RACHEL: I specifically asked her that  
23 question. I believe that she said yes. I  
24 believe that she said that.

25 And she testified that he should not have

1 been foreclosed on. We'll go with that.  
2 Because the documents were there and they  
3 should have been reviewed and he should not  
4 have been foreclosed on.

5 MS. GLENN: Objection. That's your  
6 characterization of her testimony. Be more  
7 specific about your line of questioning now.

8 MR. RACHEL: My question is: How many  
9 have been same situation that she has seen or  
10 escalated in the past?

11 MS. GLENN: Let's answer that.

12 THE WITNESS: I'm not able to answer that.

13 MS. GLENN: She's not able to answer that.

14 BY MR. RACHEL:

15 Q Have you ever seen any that was in the  
16 system -- I believe you testified that he was  
17 actually in the system, said postponed but for some  
18 reason it got foreclosed.

19 Have you ever seen any other ones in the  
20 system that said postponed that were foreclosed on?

21 A Yes.

22 Q Approximately how many?

23 A I could not answer that.

24 Q More than ten?

25 A I could not answer that.

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1 Q Approximately how many files have you  
 2 escalated in the last year due to a foreclosure?

3 A When you say "in the last year", do you  
 4 mean --

5 Q The year of 2011?

6 A None. Oh, 2011. I could not give an  
 7 approximate number. I can say not five.

8 Q More than five? Less than five?

9 A Maybe.

10 MR. RACHEL: I'll have to subpoena the  
 11 ones that she did because we don't have any.

12 BY MR. RACHEL:

13 Q Okay. After Mr. Reaves' foreclosure, did  
 14 you have any conversations with him?

15 A Yes.

16 Q Approximately how many times?

17 A I don't know the exact number, but I  
 18 believe it was more than once.

19 Q More than once, okay. Did you ever tell  
 20 Mr. Reaves that you were frustrated with some of the  
 21 things GMAC was doing?

22 A I do not remember.

23 Q Have you ever told anyone you were  
 24 frustrated with the things GMAC was doing?

25 MS. GLENN: Objection as to relevance.

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1 that, in your opinion or you believe or you  
 2 escalated or anything to that effect, should not  
 3 have been foreclosed on and, in that, it made you a  
 4 little frustrated?

5 MS. GLENN: Same objection.

6 THE WITNESS: Was that the question?

7 MR. RACHEL: Yes.

8 MS. GLENN: It's the new question. The  
 9 same objection.

10 THE WITNESS: I still don't understand.

11 BY MR. RACHEL:

12 Q When GMAC foreclosed on a property --  
 13 forecloses on a property, in your opinion you either  
 14 escalate it because you believe -- like in Mr.  
 15 Reaves' case, you believe that it should not have  
 16 been foreclosed on or you escalated it because of  
 17 customer concern, customer complaint or some legal  
 18 papers.

19 Have you ever been frustrated because of  
 20 that?

21 MS. GLENN: Same objection.

22 THE WITNESS: I'm just frustrated with the  
 23 number of foreclosures, period, that we have.

24 BY MR. RACHEL:

25 Q Were you frustrated in the events with Mr.

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1 THE WITNESS: I may have.

2 BY MR. RACHEL:

3 Q What would that frustration stem from?

4 MS. GLENN: Objection as to relevance.

5 THE WITNESS: The amount of work. The  
 6 nature of the job.

7 BY MR. RACHEL:

8 Q Have you ever been frustrated when GMAC  
 9 foreclosed and they should not have?

10 MS. GLENN: Objection as to relevance.

11 Calls for a legal conclusion to the extent that  
 12 you're asking her to guess as to what -- it's a  
 13 legal conclusion to the extent you're asking  
 14 her to guess as to what constitutes a wrongful  
 15 foreclosure, when GMAC should or should not  
 16 have foreclosed.

17 MR. RACHEL: In her opinion. She said in  
 18 this case it should not have foreclosed.

19 MS. GLENN: To that extent we would object  
 20 that it's an improper lay opinion.

21 But you can answer to the extent you  
 22 understand the question.

23 THE WITNESS: Repeat the question for me.

24 BY MR. RACHEL:

25 Q Has GMAC ever foreclosed on a property

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1 Reaves' case?

2 MS. GLENN: Objection as to relevance.

3 THE WITNESS: Mr. Reaves' case was -- I  
 4 would consider it to have been a frustrating  
 5 case.

6 BY MR. RACHEL:

7 Q Why do you believe it was frustrating?

8 MS. GLENN: Objection as to relevance.  
 9 Improper lay opinion.

10 THE WITNESS: It was foreclosed on.

11 BY MR. RACHEL:

12 Q It was frustrating because it was  
 13 foreclosed on?

14 MS. GLENN: Asked and answered.

15 BY MR. RACHEL:

16 Q Do you mean it should not have been  
 17 foreclosed on? Are you saying that it should not  
 18 have been foreclosed on?

19 A No, I am not saying that. I am saying  
 20 that his case was frustrating.

21 Q Why was it frustrating to you?

22 MS. GLENN: Asked and answered.

23 MR. RACHEL: Actually, Counsel, she did  
 24 say because it was foreclosed on, but I don't  
 25 understand what she means.

1 BY MR. RACHEL:

2 Q Could you elaborate on that?

3 A It's frustrating any time that I am not  
4 able to get a customer a solution. It's frustrating  
5 to me.6 Q Was it frustrating because you told him it  
7 was not going to be foreclosed on and then, of  
8 course, they did it anyway?

9 MS. GLENN: Objection.

10 David, it's argumentative.

11 BY MR. RACHEL:

12 Q Was it frustrating to you or did it  
13 frustrate you because you had explained that -- and  
14 had him under the assumption that it was not going  
15 to be foreclosed on and you believed it was not  
16 going to be foreclosed on.17 Am I correct? Did you believe it was not  
18 going to be foreclosed on?19 A I believed it was not going to be  
20 foreclosed on.

21 Q Was that frustrating?

22 A Yes.

23 Q See. It's simple.

24 MS. GLENN: Moving right along.

25 BY MR. RACHEL:

1 Q Let's see. Did you speak to Mr. Reaves  
2 while you was at the airport?

3 A It's possible.

4 Q In that conversation, did you advise him  
5 to seek counsel?

6 A I don't remember.

7 Q In that conversation, did you advise him  
8 that that foreclosure situation would be handled?  
9 You were going to escalate it and make sure it was  
10 handled or have it handled?

11 A I don't remember.

12 Q Did you escalate it after that  
13 conversation?

14 A I don't remember.

15 Q Now, you testified earlier that the people  
16 that you spoke to concerning Mr. Reaves' property is  
17 Mark Folweiler, Catherine Coto and I believe, maybe,  
18 Rashan Austin for a moment; is that correct?

19 A Yes.

20 Q Those were the only people you spoke to on  
21 this file, correct?

22 A To my knowledge, yes.

23 Q Are you familiar with a Kitty Harris?

24 A Yes.

25 Q Who is Kitty Harris?

1 A Kitty Harris was a manager in the loss  
2 mitigation department, I believe in Dallas.3 Q Now, you said "was". What does that mean?  
4 Is she no longer there?5 A I do not believe that she is with GMAC any  
6 longer.

7 Q And why would you come to that conclusion?

8 A I was told that. I was told she was no  
9 longer with GMAC.

10 Q And who told you that?

11 A I don't remember.

12 Q When did they tell you that?

13 A When I got the notice for Mr. Reaves'  
14 request for a deposition.

15 Q Who supplied you with the notice?

16 A Counsel.

17 Q Would it have been counsel that told you  
18 she wasn't there?

19 MS. GLENN: Objection.

20 David, why are you asking what I would  
21 have told her?22 MR. RACHEL: I'm trying to ascertain as to  
23 how she would know Kitty Harris was not there.  
24 I withdraw that question.

25 BY MR. RACHEL:

1 Q So you found out during the time that you  
2 got your deposition? You did not know, prior to  
3 getting the notice of deposition, that Kitty Harris  
4 was no longer with GMAC?

5 A No.

6 MS. GLENN: Okay. Let's move on from  
7 there.

8 BY MR. RACHEL:

9 Q Did you speak to Kitty Harris about Mr.  
10 Reaves' foreclosure?

11 A I don't remember.

12 Q Did you have a three-way conversation with  
13 Mr. Reaves and Ms. Harris concerning his foreclosure  
14 and rescinding?

15 A Not that I remember.

16 Q Okay. How do you know Kitty -- did Kitty  
17 Harris do anything on Mr. Reaves' case?18 A I assume she did, because there were some  
19 notes with her name on it.

20 Q What did the notes say?

21 A I'm not able to say what they said. I  
22 don't know.23 Q Did they say that it was denied or -- was  
24 it a lot of notes? One note? Two notes?

25 A I don't know how many.

1 Q And when were the notes? Were the notes  
2 prior to the foreclosure or after the foreclosure?  
3

4 A I don't know.  
5

6 Q She is in the loss mitigation department.  
7 Was she the person assigned to Mr. Reaves'  
8 modification?  
9

10 A I don't know.  
11

12 Q You spoke to Mr. Reaves several times  
13 concerning his modification, correct?  
14

15 A Yes.  
16

17 Q And during those conversations, you don't  
18 know who the underwriter was working on the loan?  
19

20 A No. That's not something I would know.  
21

22 Q So how would you be able to tell him the  
23 status?  
24

25 A I would read the notes in the system.  
1

2 Q Wouldn't the notes tell you who it was?  
3 You said Kitty Harris had her name on there.  
4

5 A I said there was a note with her name on  
6 there. But no, all notes do not have a name written  
7 on them.  
8

9 Q Okay. You are the contact person for the  
10 person getting the modification at GMAC, correct?  
11

12 A Yes.  
13

14 Q If there is an issue where, say, the  
15

1 (Whereupon, a brief recess was taken.)  
2

3 BY MR. RACHEL:  
4

5 Q Now, Ms. Bowers, just a couple of  
6 questions about the reinstatement. Just to make  
7 sure I'm clear on that.  
8

9 When he spoke to you about the  
10 reinstatement, he was just adamant about knowing  
11 what those fees were, not that he was not going to  
12 pay them.  
13

14 He wanted to know what they were; am I  
15 correct?  
16

17 A I got that feeling.  
18

19 Q Okay. So it wasn't that he -- you didn't  
20 get the feeling he was not going to pay it. He's  
21 just the guy that wants to know what he's paying?  
22

23 A I did not have a feeling either way. He  
24 did appear more concerned with knowing exactly what  
25 they were.  
1

2 Q Now, did, at any time, he tell you he had  
3 the money in his bank but he just wanted to know  
4 what they were?  
5

6 A I do not remember that.  
7

8 Q All right. Now the reinstatement fees, if  
9 you do a modification at GMAC, is it true that the  
10 reinstatement fees would then be put back into the  
11  
12

1 customer calls you and says I was called and told  
2 that I needed to forward in another 45016, then who  
3 does he forward that to?  
4

5 A A customer could forward that to me.  
6

7 Q Who would you forward it to?  
8

9 A I would forward it over to the loss  
10 mitigation department.  
11

12 Q Okay. So you -- in your description, you  
13 are not able to at GMAC to ascertain or talk to the  
14 underwriter working on the modification?  
15

16 A I can talk to anyone at GMAC. Normally I  
17 do not.  
18

19 Q So in this case, you did not talk to the  
20 underwriter at all concerning Mr. Reaves'  
21 modification?  
22

23 A I don't know who was underwriting Mr.  
24 Reaves' modification.  
25

1 Q Did you talk to anyone in the loss  
2 mitigation department, then, concerning Mr. Reaves'  
3 modification?  
4

5 A I don't remember.  
6

7 MR. RACHEL: Can we take a five-minute  
8 break, talk to my client, please?  
9

10 MS. GLENN: If I can come.  
11

12 MR. RACHEL: You're welcome to come.  
13

1 loan and you pay them over your monthly payment?  
2

3 MS. GLENN: Objection to the extent you're  
4 asking her to speak to general policies and  
5 procedures at GMAC. She's not a 30(b)(6)  
6 witness.  
7

8 MR. RACHEL: But she would know the  
9 policies as she handles modifications or she  
10 should.  
11

12 MS. GLENN: I don't think she's testified  
13 that he handles modifications or that she  
14 reviews borrowers for modifications.  
15

16 But, again, to the extent that she knows  
17 she can answer. But I'll put that objection on  
18 the record that she very well may not know.  
19

20 THE WITNESS: Can you ask that question  
21 again?  
22

23 BY MR. RACHEL:  
24

25 Q Yes. If I'm a person with GMAC and I'm in  
1 foreclosure and I got a reinstatement of \$500 and I  
2 do a modification. Then they take that  
3 reinstatement fee, the 500, and put it back in the  
4 loan and I can just pay it over time?  
5

6 A Yes, that's essentially how it could work.  
7

8 Q Did you explain that process to  
9 Mr. Reaves?  
10

1 A I may have.

2 Q Did you believe if he was adamant, seems  
3 like he would have paid it. But if, for some  
4 reason, he was not going to pay it, would that have  
5 been a better route, for him to do a modification?

6 MS. GLENN: Objection as to improper lay  
7 testimony.

8 But to the extent that you can answer.

9 THE WITNESS: I could not say what would  
10 have been better for Mr. Reaves, the  
11 modification or the reinstatement.

12 BY MR. RACHEL:

13 Q Okay. What department at GMAC helps  
14 clients or helps to advise clients on their options  
15 as to short sale, deed in lieu, modification, or  
16 what have you, half of whatever it may be?

17 A The loss mitigation department could  
18 advise them. Customer care department could advise  
19 them. I could give them some advice. A number of  
20 departments could give them some advice.

21 Q Okay. So then you would be able to advise  
22 as to the things he would be able to do to save his  
23 home?

24 A I would be able to advise him of some  
25 possible options.

1 it was about the reinstatement or he wanted  
2 information about a modification. I don't remember.

3 Q Now, you testified earlier that you  
4 mentioned modification to him. So if you mentioned  
5 modification to him, I mean, is it possible -- if  
6 you mentioned it to him and he didn't know about it,  
7 how is it possible that he would call you about a  
8 modification?

9 A Me mentioning a modification is a standard  
10 procedure. I would mention a modification to any  
11 customer that contacted me.

12 Q Correct. That's a part of your job  
13 description?

14 A Yes.

15 Q So if he called you about a reinstatement  
16 and you mentioned modification, then the only option  
17 you technically gave him was modification, because  
18 he was already aware of the reinstatement; am I  
19 correct?

20 A No.

21 Q What other options did you give him?

22 A I do not remember what other options we  
23 discussed, but there would have been more than just  
24 one option that could have possibly been available.

25 Q Did you discuss short sale?

1 Q And what options would you be able to  
2 discuss with him?

3 A The modification, the reinstatement, a  
4 deed in lieu, a short sale, and any other program  
5 that I would have been aware of.

6 Q Now, what programs did you discuss with  
7 Mr. Reaves, other than the modification?

8 A I don't remember.

9 Q Okay. Now you testified earlier that the  
10 reinstatement technically is not a part of your job  
11 description or in your manual -- either in your  
12 manual for your job description or in the manual for  
13 the escalation process.

14 So technically the reinstatement would not  
15 be one. So really the only option you spoke to him  
16 is modification.

17 MS. GLENN: Lacks a question.

18 BY MR. RACHEL:

19 Q Is the only option you spoke to him about  
20 modification?

21 A No, I think we discussed a reinstatement.

22 Q Okay. So the options that you spoke to  
23 him about was -- okay. He contacted you concerning  
24 the reinstatement, correct?

25 A I don't remember what he contacted me, if

1 A I don't remember.

2 Q If you discussed a short sale with a  
3 client, what is the procedure? What do you tell  
4 them?

5 A Typically what I would say is I would  
6 explain the paperwork that would need to be  
7 completed.

8 Q And what's that paperwork?

9 A It's called a short sale financial  
10 package. I would send it to them and explain the  
11 documents that they need.

12 Q Explain about three documents in there?

13 A Proof of income, a listing agreement and  
14 the actual financial packet, the actual short sale  
15 financial packet.

16 Q And what else would they need?

17 A I cannot say offhand. I would have to  
18 look at it.

19 Q What is HAFA?

20 A HAFA is the home affordable refinance  
21 program, home affordable short sale program. It's  
22 the home affordable short sale program, HAFA.

23 Q If you were to explain that to a customer,  
24 how do you explain? If I call you and say what is  
25 HAFA, what are the steps that you need to get HAFA?

1 A If a customer called and asked me that, I  
2 would look it up and I would read off what the  
3 requirements are, and I would also, more than  
4 likely, refer them to another Website to get some  
5 more information for themselves.

6 Q Okay. What about a deed in lieu. What  
7 would be the steps for a deed in lieu?

8 A For a deed in lieu -- and this is off the  
9 top of my head. I would also read what would be  
10 required -- a written request in a financial packet  
11 with proof of income.

12 Q Okay. So generally, if a person calls in,  
13 then, if you don't know the answer you have it on  
14 your system, the whole guidelines of what is  
15 required?

16 A I am able to look that up -- information  
17 up.

18 Q So you stated that you did discuss a short  
19 sale with Mr. Reaves?

20 MS. GLENN: She stated she did not recall.

21 MR. RACHEL: She did not recall, okay.

22 BY MR. RACHEL:

23 Q Do you recall discussing a deed in lieu of  
24 foreclosure?

25 A I do not remember.

1 Q Do you recall discussing the HAFA program?  
2 A I do not remember.

3 Q How do you know that Mr. Reaves' property  
4 was foreclosed upon?

5 MS. GLENN: Objection. Restate the  
6 question.

7 BY MR. RACHEL:

8 Q How do you know Mr. Reaves' property was  
9 foreclosed upon?

10 MS. GLENN: Objection to the extent it  
11 calls for her to speculate or to proffer on  
12 legal conclusions.

13 MR. RACHEL: She stated that he's properly  
14 foreclosed on. She talked to him after the  
15 foreclosure.

16 How did she know it was foreclosed upon?

17 MS. GLENN: Do you mean proper foreclosure  
18 under Georgia law?

19 MR. RACHEL: No. I'm asking her to tell  
20 me how she found out Mr. Reaves' property was  
21 foreclosed upon. I don't want to know -- just  
22 how did she find out, just like how she found  
23 out Ms. Kitty Harris was no longer there.

24 I'm not asking for any legal things. Just  
25 can she tell me how she found out.

1 MS. GLENN: Okay. Just objecting to the  
2 phrase improperly foreclosed on.

3 BY MR. RACHEL:

4 Q I'm not going to say that, but go ahead.

5 A I read the notes in the system and it  
6 stated that the foreclosure had proceeded.

7 Q When did you read the notes?

8 A I do not recall the exact date.

9 Q Why would you need the notes? What would  
10 urge you to read the notes if you believed, as you  
11 stated earlier, and you told Mr. Reaves the property  
12 was not going to be foreclosed upon, why would you  
13 go back and read notes?

14 A Any file that I submit over to the loss  
15 mitigation team for review, I follow that file.

16 Q Okay. His foreclosure was set for  
17 September the 9th, but it was supposedly postponed  
18 to October the 6th; am I correct?

19 A Yes.

20 Q Okay. So if it's postponed and it says in  
21 the system postponed to October 6th, correct?

22 A Are you asking me?

23 Q Yes, I'm asking you.

24 A I'm sorry. Repeat the question.

25 Q The October the 6th date was -- it had

1 said that in the system that it was postponed to  
2 October the 6th, correct?

3 A Yes.

4 Q So if it has in the system postponed to  
5 October 6th, what reason would you have on  
6 September the 9th, 10th, 11th, 12th, 13th,  
7 14th to review and see if it had been foreclosed?  
8 Did you not trust your system?

9 A No. It is just what I would normally do.

10 Q How many files do you handle on a monthly  
11 basis?

12 A I could not say for sure.

13 Q Is it 100 or more?

14 A Possibly, yes.

15 Q So you handle 100 or more files on a  
16 monthly basis and you testified that you travel,  
17 also, and you testified that you do have some online  
18 training or something.

19 So if you have -- how many customers do  
20 you have calling you on a daily basis,  
21 approximately?

22 A Approximately, on a daily basis, I  
23 probably get between --

24 Q Say 50, 30, 100?

25 A Maybe 20 to 30 calls.

1 Q So we'll say 25 calls. Approximately how  
2 long do you have to talk to a client? What's the  
3 approximate length of time that you speak to a  
4 client on those 25 calls, average time?

5 A There is no average time. It depends on  
6 the customer.

7 Q What is the shortest average time that you  
8 would talk to a customer?

9 A I could not answer that.

10 Q When customers contact you, they are  
11 contacting you concerning the modification?

12 MS. GLENN: Is that a question?

13 MR. RACHEL: Yes.

14 BY MR. RACHEL:

15 Q Are they contacting you concerning a  
16 modification?

17 A Sometimes.

18 Q What other reasons are they contacting  
19 you?

20 A About reinstatements, about short sales,  
21 about purchasing properties, about grass not being  
22 cut.

23 Q Okay. If they're calling you about  
24 purchasing properties, grass -- we'll take out grass  
25 not being cut.

1 sale.

2 So if they're calling you about those four  
3 things, and you testified earlier that the short  
4 sales, the HAFA, which is a part of short sales,  
5 the federal plan, the deed in lieu and the  
6 reinstatement, sometimes you need to look those up  
7 and explain to them what the system says and  
8 sometimes you explain it to them and then send them  
9 to a Website for further information.

10 So if you do that and those are the calls  
11 you're getting in, other than the grass cutting  
12 call, is it possible for you to talk to them and  
13 explain that to them in ten minutes?

14 A It could be possible.

15 Q So you've been able to explain to someone  
16 in ten minutes the whole process of HAFA?

17 A Maybe -- I'm not able to answer that. I'm  
18 not able to answer that.

19 Q So, then, if you're taking these 25 phone  
20 calls and they're taking whatever amount of time and  
21 you have 100 files at least a month, how do you have  
22 time to go back and check each individual file to  
23 find out if it was foreclosed upon?

24 MS. GLENN: David, it misstates the  
25 evidence. She didn't say that every active

1 Purchasing properties, short sales,  
2 modifications, or reinstatements, is it possible for  
3 those conversations to be five minutes?

4 A Sometimes.

5 Q So if I'm calling you concerning a  
6 modification, you can explain modification to me in  
7 five minutes for me to understand as a customer?

8 A No, that's not what I'm saying.

9 Q Trying to understand what you're saying.

10 A Okay, I'm not understanding the question.  
11 Are you asking me --

12 Q I'm trying to obtain or ascertain the  
13 average length of time you have on those 25 phone  
14 calls.

15 The only way to obtain that is to find out  
16 what you get calls for. You said you get calls for  
17 cutting the grass, which we'll say that's a three  
18 minute conversation. I'll give you three minutes.

19 But the other calls, understanding a  
20 modification -- I'm calling you about a  
21 modification. I need to understand what that means  
22 and what I need to do.

23 You said they call about short sales. You  
24 said they call about deed in lieu. And you said  
25 they call about -- the other thing was the short

1 file that she had results in borrowers calling  
2 her and she also stated that she's not able to  
3 give you an average amount of time.

4 That assumes that she's just reading off  
5 and there are no questions from the borrower.  
6 That assumes either she's dealing with the  
7 average Ph.D. candidate or the high school  
8 dropout.

9 Like the question is too vague. You can  
10 narrow it down or like -- she can't answer that  
11 as asked.

12 BY MR. RACHEL:

13 Q I can ask you this way: You have a lot of  
14 phone calls every day, correct?

15 A Normally, yes.

16 Q And you have, on a monthly basis, 100 at  
17 least -- you said, in your words, 100 files per  
18 month; correct?

19 A I can have up to 100 active files.

20 Q Okay. Now are you restating? Earlier you  
21 said at least 100. Now you're saying up to 100.  
22 Which one is it? Can we do an average of 100?

23 A That's fine.

24 Q Average of 100, which means that there's  
25 30 days -- 31 days in September, October, November

1 and -- April, June and November, roughly, anyways,  
2 and the rest of them have 31 days.  
3       But you only work Monday through Friday;  
4 am I correct?  
5       A No, you're not.  
6       Q Okay. What days do you work?  
7       A I can work seven days a week at times.  
8       Q What is your -- generally, for the year  
9 2011, approximately how many hours did you work per  
10 week?  
11      A I could not say. It varies.  
12      Q Varies. So would you say typically -- a  
13 week is 40 hours, so say an average of maybe 50?  
14      A I could not say.  
15      Q Well, if that being the case, even if it's  
16 50 or 60, you believe that you would have time to  
17 answer those numerous phone calls, as you said, and  
18 explain whatever due processes are and go back and  
19 check each individual file, as you stated earlier?  
20      MS. GLENN: Objection to the extent it  
21 calls for speculation.  
22      But you can try to answer.  
23 BY MR. RACHEL:  
24      Q I'm just stating what you told me earlier.  
25      A No, that's not what I said. I am able to

1 go back and check files that I think need to be  
2 checked or files that are pending foreclosure sales  
3 very soon.  
4       Q Okay. But now your testimony to me, when  
5 I asked you why did you review Mr. Reaves' file, you  
6 stated "I check all my files".  
7       That was -- and we can go back and have  
8 her read it, if you like, but you stated "I check  
9 all my files".  
10      So if you check all your files, I'm merely  
11 trying to ascertain as to how you would possibly  
12 have enough time to check all those files and answer  
13 all those phone calls and do escalations.  
14      Do you believe that is theoretically  
15 possible?  
16      MS. GLENN: Objection, David, to the  
17 extent you're calling on her to guess or  
18 speculate.  
19 BY MR. RACHEL:  
20      Q In your job description -- is that  
21 possible in your job description?  
22      MS. GLENN: Objection. Anything is  
23 possible. She's a very good multitasker,  
24 David.  
25 BY MR. RACHEL:

1       Q Okay. Let me ask it this way: Do you go  
2 back and check all of your files, as you stated  
3 earlier, or is it possible that you just check the  
4 ones that are foreclosure?  
5       A I do check all of my files. Do I check  
6 every file every day, no. Do I prioritize my files  
7 and they get checked according to how I prioritize  
8 them, yes.  
9       Q So you would be able to supply us -- well,  
10 let me ask you this: How do you prioritize your  
11 files? What is your system?  
12      A Files that are pending foreclosure sale  
13 dates within 30 days are at the top of the list.  
14      Q Okay. Okay. Then what?  
15      A Files that do not have pending foreclosure  
16 sales come after that.  
17      Q Okay. Then what?  
18      A I try to return all phone calls within two  
19 business days, if possible.  
20      Q Okay.  
21      A Files that have been escalated, I do  
22 follow-up every day or every other day for a status.  
23      Q Okay. That's it?  
24      A Yes.  
25      Q Okay. I guess that would help my

1 question. The ones that is escalated, that is at  
2 the bottom of the list.  
3       So is it just that once it's escalated you  
4 believe they're going to take care of whatever needs  
5 to be taken care of?  
6       A When I stated to you about the escalated  
7 files, I did not give that in terms of one, two,  
8 three, four priority.  
9       I was just telling you that that is  
10 one of the things that I prioritize.  
11      Q Okay. But I'm looking for you to give me  
12 one, two, three, four. Now you've given me sale  
13 within 30 days, no sale date, returning phone calls  
14 within two days and the escalation of files.  
15      So how do you prioritize that? Number one  
16 would be?  
17      A Files that have been escalated --  
18      Q Escalated, okay.  
19      A -- would be checked regularly for status.  
20      Q That would be first. All right.  
21      A Files that have pending foreclosure sale  
22 dates would be number two.  
23      Q Dates within 30 days, okay. All right.  
24 And you have phone calls and no sale date.  
25      A Phone calls are a priority, so they do

1 need to be returned. I try to return them within  
2 two business days.

3 And files with no foreclosure sale  
4 date, I handle those accordingly.

5 Q Now, your voicemail, does your voicemail  
6 say you're going to try to return phone calls within  
7 48 hours or is it just a general voicemail?

8 A I do have a voicemail. I do have a  
9 voicemail message that I do change. I am not sure  
10 if at this time it says I will return calls within  
11 48 hours.

12 Q Does it typically say that?

13 A It has said that.

14 Q Okay. Now you said that the ones that are  
15 escalated are first, makes sense, and then the ones  
16 with the pending 30-day sale date within 30 days.  
17 Now, if we look at Mr. Reaves' file, you would have  
18 had to check it prior to the 30 days, because he  
19 wasn't set until October, but the original one was  
20 September.

21 So you just wanted to make sure?

22 A I don't understand your question.

23 Q His file would not have fallen within that  
24 30-day window. So technically it would have been  
25 down all the way at the bottom or next to the

1 A Inbox.

2 Q And then you spoke to Catherine Coto and  
3 Mark Folweiler. Was that before or after the  
4 foreclosure?

5 A After.

6 Q So files that are escalated to hope  
7 escalation -- and I'm just trying to understand --  
8 are escalated because you escalate -- escalated  
9 Mr. Reaves' file because you received other  
10 documents?

11 A No.

12 Q Why did you escalate?

13 A Mr. Reaves' file was escalated because,  
14 when I got his documents, he was right at the  
15 required timeline, per my understanding. I wanted  
16 to be sure that his file was reviewed.

17 Q Okay. What did you escalate after the  
18 foreclosure?

19 A I wanted to know if we were going to  
20 rescind the sale.

21 Q Okay. What kind of escalation is that?  
22 Does that go through Rashan Austin?

23 A Yes.

24 Q And is that -- what kind of escalation is  
25 that? What is that called?

1 bottom.

2 It had a sale date but it was not within  
3 the 30 days. So it technically would have been, I  
4 guess in between two and three -- between the phone  
5 calls.

6 But yet you checked it. So did you just  
7 have a gut feeling or --

8 A Mr. Reaves' file was an escalated file.

9 Q When was it escalated?

10 A I escalate his file when he originally  
11 sent it to me.

12 Q So his file was escalated prior to the  
13 foreclosure?

14 A Yes.

15 Q Okay. I'm a little confused, because  
16 that's not what you told me earlier.

17 MS. GLENN: That's not what you asked her  
18 earlier, David.

19 BY MR. RACHEL:

20 Q When did you escalate his file?

21 A I escalated Mr. Reaves' file when he sent  
22 me his documentation.

23 Q Okay. And who did you escalate it to?

24 A The hope escalations.

25 Q Hope escalations?

1 A We just refer to it as an escalation, an  
2 escalated file.

3 Q So the file was already escalated through  
4 Rashan Austin prior to the foreclosure, but then the  
5 file was re-escalated to Rashan Austin again; am I  
6 correct?

7 A Yes.

8 Q Is that typically how the escalation  
9 process works? You can escalate a file two and  
10 three or however many times?

11 A If it's necessary.

12 Q Do you believe it was necessary in this  
13 case?

14 A I believe I needed to have an  
15 understanding about the file.

16 Q Okay. But do you believe it was necessary  
17 to escalate it?

18 MS. GLENN: Asked and answered.

19 MR. RACHEL: She didn't answer that. She  
20 said -- I believe she wanted to obtain. That's  
21 a yes or no. I want a yes or no.

22 BY MR. RACHEL:

23 Q Do you believe that it was necessary to  
24 escalate the file?

25 A Yes.

1 Q Now, I think I didn't get my answer  
2 earlier because we went off into wrongful  
3 foreclosures or I think you said the property was  
4 rightfully foreclosed.

5 You stated that you knew the property was  
6 foreclosed upon from the notes?

7 A Yes.

8 Q Did Mr. Reaves call you concerning the  
9 foreclosure?

10 A Yes.

11 Q Did he indicate to you that his insurance  
12 company contacted him and told him his insurance was  
13 dropped?

14 A I don't remember.

15 Q Did you ever talk to the law firm  
16 concerning his foreclosure?

17 A I do not believe I did. I don't remember.

18 Q Now, I just want to clarify before we  
19 start pulling records. Did you say you don't know  
20 if you had a conversation with Kitty Harris or you  
21 didn't have a conversation with Kitty Harris?

22 A I don't remember.

23 Q You don't remember.

24 A I'm sorry.

25 Q So you don't remember whether you had a

1 Q But you stated earlier that the timeline  
2 had been met?

3 A I thought the timeline had been met.

4 Q I was just clarifying.

5 MS. GLENN: How much longer have you got?

6 MR. RACHEL: I may be done. One moment.

7 MS. GLENN: Do you want to take a break  
8 and look over your notes?

9 MR. RACHEL: Yes, we can do that.

10 (Whereupon, a brief recess was taken.)

11 BY MR. RACHEL:

12 Q I just want to clarify. You actually  
13 found out about the foreclosure through the system  
14 and not by Mr. Reaves contacting you?

15 A I am not sure if he called first or if I  
16 had already saw it. I could not say.

17 Q Okay. Because you remember -- did he ever  
18 call you at the airport?

19 A I just don't really remember talking to  
20 him, but more than likely I did speak to him.

21 Q Okay. Because it was his understanding  
22 that that's when he told you, that you was at the  
23 airport. That's why I asked, okay.

24 So -- and if you was at the airport, would  
25 you have access to be able to check the system?

1 conversation with Kitty Harris. Did you, at any  
2 time, tell Mr. Reaves that he may have a problem  
3 with his foreclosure?

4 A I don't remember using those words.

5 Q Did you ever have any apprehension of  
6 speaking frank with Mr. Reaves?

7 MS. GLENN: Objection as to relevance.

8 BY MR. RACHEL:

9 Q You can answer the question.

10 A No, no.

11 Q Did you ever believe your conversations  
12 with Mr. Reaves would cause you to lose your job?

13 A No.

14 Q Did Mr. Reaves -- when he contacted you  
15 concerning the foreclosure after the foreclosure,  
16 what was that conversation concerning or what was  
17 the outcome of that conversation?

18 A I told him that it had gone to foreclosure  
19 sale. I told him about -- I think the timeline,  
20 that it was the timeline had not been met.

21 Those -- that's what I remember. I  
22 do not remember the entire conversation.

23 Q Now, is that what the system said, the  
24 timeline hasn't been met?

25 A Yes.

1 A I would have looked something like that up  
2 immediately.

3 Q Okay. What I'm saying, though, if you're  
4 at the airport, is it probable that you wasn't  
5 looking at the system prior to him calling if you're  
6 at the airport?

7 A Maybe.

8 Q So it's possible that he did actually call  
9 you and tell you and then you immediately jumped on  
10 it?

11 A It is possible.

12 Q Okay. Now you did say you advised him  
13 that the foreclosure was postponed until October the  
14 6th?

15 A Yes, I did.

16 Q Now -- so do you believe that him  
17 believing that it didn't foreclose, he didn't try to  
18 do any other options, whether deed in lieu or  
19 foreclosure or a short sale?

20 Have you had a customer, once you've told  
21 them that their property has been postponed, to  
22 continually call you or call you and ask you about  
23 some other option if they're working on a  
24 modification?

25 A Sometimes.

1 Q And what would they call about?

2 A Sometimes customers want to talk about  
3 some other options, since they have a little more  
4 time.

5 Q Did Mr. Reaves call you to discuss any  
6 other options?

7 A I don't remember.

8 Q Do you believe, since he was adamant about  
9 the reinstatement, that he may have just reinstated  
10 it to keep it from being foreclosed if he had known  
11 it was foreclosed on?

12 MS. GLENN: Objection. Speculation.

13 THE WITNESS: I cannot speculate.

14 BY MR. RACHEL:

15 Q In telling Mr. Reaves that on October the  
16 6th, it would be his new foreclosure date, are you  
17 aware that you could have caused him not to take any  
18 other actions to stop that foreclosure, whether it  
19 be a bankruptcy or whatever else?

20 MS. GLENN: Objection as to speculation.

21 THE WITNESS: Repeat the question, please.

22 BY MR. RACHEL:

23 Q Are you aware that, being a representative  
24 of GMAC, when you advised him that the foreclosure  
25 was postponed, he was not afforded any other

1 what was going on?

2 Was he that type of person that would call  
3 you over and over and over to make sure everything  
4 was right?

5 A Can you clarify that a little bit more?

6 Q Was he a detail person that was trying to  
7 make sure everything was right and he was taken care  
8 of?

9 MS. GLENN: Objection to the extent you're  
10 asking her to speculate as to Mr. Reaves'  
11 propensities.

12 BY MR. RACHEL:

13 Q In your conversation with Mr. Reaves, was  
14 he detailed enough to tell you what your last  
15 conversations were and what was going on?

16 A Mr. Reaves seemed detailed.

17 MS. GLENN: David, her answers are simple.  
18 Your questions are not. You can just ask her  
19 did he appear detailed.

20 BY MR. RACHEL:

21 Q Did he appear as the type of person that  
22 would go through all this if this happened?

23 A I can't speculate.

24 Q So in your opinion -- let me make sure I  
25 clarify this, as a -- let me get your title.

1 ramifications or legal rights, such as to file a  
2 bankruptcy or something else to stop the  
3 foreclosure?

4 MS. GLENN: Objection as to speculation.  
5 Improper lay testimony.

6 THE WITNESS: Yes.

7 BY MR. RACHEL:

8 Q But you really believed the foreclosure  
9 was stopped?

10 MS. GLENN: Asked and answered.

11 MR. RACHEL: Well, I want to make sure  
12 that we know she wasn't just trying to tell him  
13 something.

14 BY MR. RACHEL:

15 Q Did you believe that, in your dealings  
16 with Mr. Reaves, that he would try to get to the  
17 bottom of it, since he was so adamant about that  
18 money -- whatever the thing was called, the  
19 miscellaneous fee?

20 MS. GLENN: Objection. Vague.

21 David, what do you mean by "get to the  
22 bottom of it"?

23 BY MR. RACHEL:

24 Q After the foreclosure, did you believe he  
25 was going to keep calling until he could find out

1 MS. GLENN: You can tell him your title.

2 THE WITNESS: I am a Community Relations  
3 Specialist.

4 BY MR. RACHEL:

5 Q There you go, Community Relations  
6 Specialist. Did Mr. Reaves ever indicate to you  
7 that he did have the funds available for the  
8 reinstatement?

9 A I do not remember Mr. Reaves telling me he  
10 had the funds for reinstatement.

11 Q So in your opinion, as a Community  
12 Relations Specialist, did Mr. Reaves do everything  
13 you told him to do in forwarding documents and  
14 adhere to your guidelines?

15 A Mr. Reaves did forward -- he did return  
16 the documents back to me.

17 Q Okay. So he did everything, basically,  
18 that he was supposed to do?

19 A To my knowledge, yes.

20 MR. RACHEL: I'm done.

21 MS. GLENN: Just a few redirect questions.

22 EXAMINATION

23 BY MS. GLENN:

24 Q Ms. Bowers, are there any circumstances  
25 where you're required to escalate a file?

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1 A No, there are no circumstances where I'm  
2 required to escalate a file.

3 Q So you were always permitted to use your  
4 own discretion as to whether a file should or should  
5 not be escalated?

6 A Yes. For the most part, yes.

7 Q You testified that there are multiple  
8 reasons that a file could be escalated?

9 A Yes, there are multiple reasons a file  
10 could be escalated.

11 Q For instance, if a borrower required some  
12 form of written documentation?

13 A Yes, I could escalate a file if a borrower  
14 was requesting written documentation.

15 Q So because a file is escalated, that  
16 doesn't necessarily mean that you perceived  
17 something wrong with the file?

18 A No, it does not.

19 Q Okay. Nothing further.

20 (Deposition Concluded)

22 KENNETH REAVES

23 Sworn to and subscribed before me,  
24 this the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

25 \_\_\_\_\_  
Notary Public

1 C E R T I F I C A T E  
2 -----

3 STATE OF GEORGIA:

4 FULTON COUNTY:

5 I hereby certify that the foregoing  
6 transcript was taken down as stated in the caption,  
7 and the questions and answers thereto were reduced  
8 to typewriting under my direction; that the  
9 foregoing pages 1 through 105 represent a true and  
10 correct transcript of the evidence given upon said  
11 hearing, and I further certify that I am not a  
12 relative or employee or attorney or counsel of any  
13 of the parties, nor am I a relative or employee of  
14 such attorney or counsel, nor am I financially  
15 interested in the action.

16 This the 4th day of May, 2012.

17 \_\_\_\_\_  
18 KELLY A. EMERY, CCR-B-941  
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1 My commission expires:  
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